

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UPAID SYSTEMS, LTD,

Plaintiff,

v.

ALLIANCE LAUNDRY SYSTEMS LLC,
AND SPEED QUEEN LAUNDRY LLC,

Defendants.

C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 et seq., in which Plaintiff Upaid Systems, Ltd. (“Upaid” or “Plaintiff”) makes the following allegations against Defendants Alliance Laundry Systems LLC (“Alliance”) and Speed Queen Laundry LLC (“Speed Queen”) (collectively “Defendants”):

PARTIES

1. Plaintiff Upaid is a business company organized under the law of the British Virgin Islands. Its principal place of business is located at Trident Chambers, Wickhams Cay, Road Town, Tortola, British Virgin Islands. In 1998, Upaid began innovating and developing new payment products around the world. Upaid was one of the first companies to offer a mobile phone service for credit card payment and secure transaction processing. Through years of in-house research and development, Upaid’s innovations in the field of transaction technology have resulted in almost sixty patents world-wide (nine in the United States alone). The patents asserted in this Complaint, U.S. Patent Nos. 8,976,947 and 10,127,555, are just two of these many patents awarded to Upaid in the field of transaction technology. Upaid’s technology has

solved at least one problem in the art relating to providing services and transactions over networks of different types, specifically, in at least one instance, Upaid's technology enabled the services and transactions to be provided over networks that would not normally be able to communicate without Upaid's platform. Upaid's technology was not well-understood, routine, or conventional and does not merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet.

2. Upon information and belief, Defendants are Delaware corporations registered with the Delaware Secretary of State and both maintaining their principal place of business in Ripon, Wisconsin (with primary business mailing addresses at PO Box 990 Shepard Street Ripon, WI 54971 USA). Defendants can be served through their registered agent, The Corporation Trust Company, Corporation Trust Center 1209 Orange St, Wilmington, DE, 19801.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendants in this action because Defendants are both incorporated in Delaware and have committed acts within the District of Delaware giving rise to this action and have established minimum contacts with this forum such that the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice. Defendants, directly and through subsidiaries or intermediaries, have committed and continue to commit acts of infringement in this District by, among other things, offering to sell and selling products and/or services that infringe the asserted patents.

5. Venue is proper in this district under 28 U.S.C. § 1400(b). Upon information and

belief, Defendants are incorporated in Delaware, have transacted business in the District of Delaware, and have committed acts of direct and indirect infringement in the District of Delaware.

COUNT ONE
INFRINGEMENT OF UNITED STATES PATENT NO. 8,976,947

6. Plaintiff realleges and incorporates by reference the foregoing paragraphs, as if fully set forth herein.

7. Plaintiff Upaid is the named assignee of, owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 8,976,947 entitled “Enhanced Communication Platform and Related Communication Method Using the Platform,” which issued on March 10, 2015 (“the ‘947 patent”) (a true and correct copy is attached as **Exhibit A**).

8. On information and belief, each Defendant has offered for sale, sold and/or imported into the United States products and services that infringe the ‘947 patent, and continues to do so. By way of illustrative example, these infringing products and services include, without limitation, the Speed Queen App, and the system hardware on which it operates, and all versions and variations thereof, since the issuance of the ‘947 patent (“Accused Instrumentalities”).

9. On information and belief, Defendants have directly infringed and continue to infringe the ‘947 patent, for example, by making, selling, offering for sale, and/or importing the Accused Instrumentalities, and through its own use and testing of the Accused Instrumentalities, which constitute systems and computer readable-mediums for pre-authorized communication services and transactions using computer networks as recited in claim 1 of the ‘947 patent. On information and belief, the Accused Instrumentalities utilize at least one computer readable medium encoded with processing instructions performed by at least one computer to perform a method of providing from a platform pre-authorized communication services and transactions

using a plurality of external networks of different types and which are external to the platform. The Accused Instrumentalities accept and process a request from a user to provide at least one of a communication service, a transaction or user account information via one of the plurality of external networks; verify that the user is authorized to receive at least one of the communication service, the transaction, or the user account information, and that an account associated with the user has a sufficient amount currently available for payment of the communication service or the transaction; and charge, in a real-time transaction, an authorized account associated with the user as the platform controls an element of a corresponding one of the plurality of external networks to provide at least one of the communication service or the transaction as provided by any one of a plurality of different service and transaction providers.

10. Defendants' affirmative acts of making, using, selling, offering for sale, and/or importing the Accused Instrumentalities have induced and continue to induce users of the Accused Instrumentalities to use the Accused Instrumentalities in their normal and customary manner on compatible systems to infringe Claim 1 of the '947 patent, knowing that when the Accused Instrumentalities are used in their ordinary and customary manner with such compatible systems, such systems and computer readable mediums constitute infringing systems for pre-authorized communication services and transactions using computer networks as recited in Claim 1, and utilize at least one computer readable medium encoded with processing instructions performed by at least one computer to perform a method of providing from a platform pre-authorized communication services and transactions using a plurality of external networks of different types and which are external to the platform, the method comprising: accepting and processing a request from a user to provide at least one of a communication service, a transaction or user account information via one of the plurality of external networks; verifying that the user

is authorized to receive the at least one of the communication service, the transaction, or the user account information, and that an account associated with the user has a sufficient amount currently available for payment of the at least one of the communication service or the transaction; and charging, in a real-time transaction, an authorized account associated with the user as the platform controls an element of a corresponding one of the plurality of external networks to provide at least one of the communication service or the transaction as provided by any one of a plurality of different service and transaction providers.

11. For example, Defendants explain to customers the benefits of using the Accused Instrumentalities, such as “Customers have multiple payment options, including: All major credit and debit cards, Apple Pay, Cash (Cash can be inserted into the Speed Queen Value Center to load your online wallet.) ... Clean, simple and easy-to-use app is available in multiple languages and makes laundry day a breeze ... Secure online wallet gives customers confidence their data is safe and protected.”¹ For similar reasons, Defendants also induce their customers to use the Accused Instrumentalities to infringe other claims of the '947 patent. Defendants specifically intended and were aware that the normal and customary use of the Accused Instrumentalities on compatible systems would infringe the '947 patent. Defendants performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '947 patent (at least as of the filing of this Complaint) and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Defendants engaged in such inducement to promote the sales of the Accused Instrumentalities, *e.g.*, through Defendants' user manuals, product support, marketing materials, and training materials to actively induce the users of the accused products to infringe the '947

¹ See https://speedqueencommercial.com/App_Themes/Insights/dist/pdf/AC18-0042_Brochure_InsightsFullSolutions_en-US.pdf.

patent. Accordingly, Defendants have induced and continue to induce end users of the Accused Instrumentalities to use the Accused Instrumentalities in their ordinary and customary manner with compatible systems to make and/or use systems infringing the '947 patent, knowing that such use of the Accused Instrumentalities with compatible systems will result in infringement of the '947 patent.

12. The Accused Instrumentalities include at least one computer readable medium encoded with processing instructions performed by at least one computer to perform a method of providing from a platform pre-authorized communication services and transactions using a plurality of external networks of different types and which are external to the platform. For example, Defendants disclose an “Integrated management platform” ... “Streamline your business with machine, location and customer data in one place.”² Defendants also disclose: “[t]ake your business to new levels of efficiency and profitability with advanced analytics and customer data—all integrated into the same platform with the rest of your business management tools. Know how often each customer visits. Which machines they use. How they pay. And use that information to increase your revenue through stronger customer relationships and a more rewarding laundry experience.”³ Defendants also disclose: “All of your business management needs—financial and operational data and analytics, customer engagement, service and maintenance—are all tied together into a single cloud-based platform that can be accessed from anywhere. And its new mobile payment app with customer rewards makes the laundry experience seamless and enjoyable for your customers. It’s the easiest, most comprehensive

² https://speedqueencommercial.com/App_Themes/Insights/dist/pdf/AC18-0042_Brochure_InsightsFullSolutions_en-US.pdf.

³ *Id.*

laundry management platform ever.”⁴

13. The Accused Instrumentalities accept and process a request from a user to provide at least one of a communication service, a transaction or user account information via one of the plurality of external networks. For example, Defendants disclosure: “Doing laundry is effortless with the Speed Queen® app. A clean design, intuitive functionality and flexible payment options give your customers the convenience they want at the touch of a button with the ability to pay with the one thing they never leave home without—their smartphone ... On-the-go convenience with access to rewards points, cycle status and cycle completion ... speed Queen® app is available for Smartphones running iOS or Android”⁵

14. The Accused Instrumentalities verify that the user is authorized to receive the at least one of the communication service, the transaction, or the user account information, and that an account associated with the user has a sufficient amount currently available for payment of the at least one of the communication service or the transaction. For example, when a user downloads the Speed Queen app they must create or login to an account. The account has available funds or rewards points to be used for services or transactions.⁶

15. The Accused Instrumentalities charge, in a real-time transaction, an authorized account associated with the user as the platform controls an element of a corresponding one of the plurality of external networks to provide at least one of the communication service or the transaction as provided by any one of a plurality of different service and transaction providers. For example, the authorized account associated with the user can be charged to provide services

⁴ *Id.*

⁵ https://speedqueencommercial.com/App_Themes/Insights/dist/pdf/AC18-0042_Brochure_InsightsFullSolutions_en-US.pdf.

⁶ <https://www.youtube.com/watch?v=Dtg57qvvrTA>

or transactions to the user via cellular networks and the Internet.⁷

16. The acts of infringement of the '947 patent by Defendants have injured Upaid, and Upaid is entitled to recover damages adequate to compensate it for such infringement from Defendants, but in no event less than a reasonable royalty.

COUNT TWO:
INFRINGEMENT OF UNITED STATES PATENT NO. 10,127,555

17. Plaintiff realleges and incorporates by reference the foregoing paragraphs, as if fully set forth herein.

18. Plaintiff Upaid is the named assignee of, owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 10,127,555 entitled, "Enhanced Communication Platform and Related Communication Method Using the Platform," which issued on November 13, 2018 ("the '555 patent") (a true and correct copy is attached as **Exhibit B**).

19. On information and belief, each Defendant has offered for sale, sold and/or imported into the United States the Accused Instrumentalities that infringe the '555 patent, and continues to do so.

20. On information and belief, Defendants have directly infringed and continue to infringe the '555 patent, for example, by making, selling, offering for sale, and/or importing the Accused Instrumentalities, and through its own use and testing of the Accused Instrumentalities, which constitute systems and computer readable-mediums for pre-authorized communication services and transactions using computer networks as recited in claim 1 of the '555 patent. On

⁷ <https://www.youtube.com/watch?v=Dtg57qvvrTA;>
https://speedqueencommercial.com/App_Themes/Insights/dist/pdf/AC18-0042_Brochure_InsightsFullSolutions_en-US.pdf.

information and belief, the Accused Instrumentalities utilize at least one non-transitory computer readable medium encoded with processing instructions performed by at least one computer platform performing a method of providing pre-authorized communication services or transactions using a communication network, including at least networks of different types which are external to the platform, user devices communicating with the platform via the communication network. The Accused Instrumentalities accept and process, by the platform, a request to provide at least one of a communication service, a transaction or user account information via one of the external networks; verify at the platform that the requestor is authorized to receive the at least one of the communication service, the transaction, or the user account information, and that an account associated with the user has a sufficient amount currently available for payment of the at least one of the communication service or the transaction; and charge transactions at the platform by registering on a real-time basis, an authorized account associated with the user, while the platform controls an element of a corresponding one of the external networks to provide at least one of the communication service or the transaction as provided by any one of a plurality of different service and transaction providers.

21. Defendants' affirmative acts of making, using, selling, offering for sale, and/or importing the Accused Instrumentalities have induced and continue to induce users of the Accused Instrumentalities to use the Accused Instrumentalities in their normal and customary manner on compatible systems to infringe Claim 1 of the '555 patent, knowing that when the Accused Instrumentalities are used in their ordinary and customary manner with such compatible systems, such systems and computer readable mediums constitute infringing systems for pre-authorized communication services and transactions using computer networks as recited in claim

1, and utilize at least one non-transitory computer readable medium encoded with processing instructions performed by at least one computer platform performing a method of providing pre-authorized communication services or transactions using a communication network, including at least networks of different types which are external to the platform, user devices communicating with the platform via the communication network, the method comprising: accepting and processing, by the platform, a request to provide at least one of a communication service, a transaction or user account information via one of the external networks; verifying at the platform that the requestor is authorized to receive the at least one of the communication service, the transaction, or the user account information, and that an account associated with the user has a sufficient amount currently available for payment of the at least one of the communication service or the transaction; and charging transactions at the platform by registering on a real-time basis, an authorized account associated with the user, while the platform controls an element of a corresponding one of the external networks to provide at least one of the communication service or the transaction as provided by any one of a plurality of different service and transaction providers.

22. For example, Defendants explain to customers the benefits of using the Accused Instrumentalities, such as “Customers have multiple payment options, including: All major credit and debit cards, Apple Pay, Cash (Cash can be inserted into the Speed Queen Value Center to load your online wallet.) ... Clean, simple and easy-to-use app is available in multiple languages and makes laundry day a breeze ... Secure online wallet gives customers confidence their data is safe and protected.”⁸ For similar reasons, Defendants also induce their customers to use the Accused Instrumentalities to infringe other claims of the ’555 patent. Defendants specifically

⁸ See https://speedqueencommercial.com/App_Themes/Insights/dist/pdf/AC18-0042_Brochure_InsightsFullSolutions_en-US.pdf.

intended and were aware that the normal and customary use of the Accused Instrumentalities on compatible systems would infringe the '555 patent. Defendants performed the acts that constitute induced infringement, and would induce actual infringement, with the knowledge of the '555 patent (at least as of the filing of this Complaint) and with the knowledge, or willful blindness to the probability, that the induced acts would constitute infringement. On information and belief, Defendants engaged in such inducement to promote the sales of the Accused Instrumentalities, *e.g.*, through Defendants' user manuals, product support, marketing materials, and training materials to actively induce the users of the accused products to infringe the '555 patent. Accordingly, Defendants have induced and continue to induce end users of the Accused Instrumentalities to use the Accused Instrumentalities in their ordinary and customary manner with compatible systems to make and/or use systems infringing the '555 patent, knowing that such use of the Accused Instrumentalities with compatible systems will result in infringement of the '555 patent.

23. The Accused Instrumentalities include at least one non-transitory computer readable medium encoded with processing instructions performed by at least one computer platform performing a method of providing pre-authorized communication services or transactions using a communication network, including at least networks of different types which are external to the platform, user devices communicating with the platform via the communication network. For examples, Defendants disclose an "Integrated management platform" ... "Streamline your business with machine, location and customer data in one place."⁹ Defendants also disclose: "[t]ake your business to new levels of efficiency and profitability with advanced analytics and customer data—all integrated into the same platform with the rest of your

⁹ https://speedqueencommercial.com/App_Themes/Insights/dist/pdf/AC18-0042_Brochure_InsightsFullSolutions_en-US.pdf.

business management tools. Know how often each customer visits. Which machines they use. How they pay. And use that information to increase your revenue through stronger customer relationships and a more rewarding laundry experience.”¹⁰ Defendants also disclose: “All of your business management needs—financial and operational data and analytics, customer engagement, service and maintenance—are all tied together into a single cloud-based platform that can be accessed from anywhere. And its new mobile payment app with customer rewards makes the laundry experience seamless and enjoyable for your customers. It’s the easiest, most comprehensive laundry management platform ever.”¹¹

24. The Accused Instrumentalities accept and process, by the platform, a request to provide at least one of a communication service, a transaction or user account information via one of the external networks. For example, Defendants’ disclosure, “Doing laundry is effortless with the Speed Queen® app. A clean design, intuitive functionality and flexible payment options give your customers the convenience they want at the touch of a button with the ability to pay with the one thing they never leave home without—their smartphone ... On-the-go convenience with access to rewards points, cycle status and cycle completion ... Speed Queen® app is available for Smartphones running iOS or Android”¹²

25. The Accused Instrumentalities verify at the platform that the requestor is authorized to receive the at least one of the communication service, the transaction, or the user account information, and that an account associated with the user has a sufficient amount currently available for payment of the at least one of the communication service or the transaction. For example, when a user downloads the Speed Queen app they must create or login

¹⁰ *Id.*

¹¹ *Id.*

¹² https://speedqueencommercial.com/App_Themes/Insights/dist/pdf/AC18-0042_Brochure_InsightsFullSolutions_en-US.pdf.

to an account. The account has available funds or rewards points to be used for services or transactions.¹³

26. The Accused Instrumentalities charge transactions at the platform by registering on a real-time basis an authorized account associated with the user, while the platform controls an element of a corresponding one of the external networks to provide at least one of the communication service or the transaction as provided by any one of a plurality of different service and transaction providers. For example, the authorized account associated with the user can be charged to provide services or transactions to the user via cellular networks and the Internet.¹⁴

27. The acts of infringement of the '947 patent by Defendants have injured Upaid, and Upaid is entitled to recover damages adequate to compensate it for such infringement from Defendants, but in no event less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Upaid Systems, Ltd. respectfully requests that this Court enter judgment against the Defendants and against their respective subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with it, granting the following relief:

A. The entry of judgment in favor of Upaid and against Defendants that Defendants have directly infringed and indirectly infringed (through inducement and contributing to infringement) claims of the '947 and the '555 patents, literally and/or under the doctrine of

¹³ <https://www.youtube.com/watch?v=Dtg57qvvrTA>

¹⁴ <https://www.youtube.com/watch?v=Dtg57qvvrTA>;
https://speedqueencommercial.com/App_Themes/Insights/dist/pdf/AC18-0042_Brochure_InsightsFullSolutions_en-US.pdf.

equivalents pursuant to 35 U.S.C. §271;

B. Permanently enjoin Defendants as well as their respective agents, servants, officers, directors, employees and all persons acting in concert with them, directly or indirectly, from infringing, inducing others to infringe or contributing to the infringement of the '947 and the '555 patents pursuant to 35 U.S.C. § 283;

C. Order that Defendants account for and pay to Upaid the damages to which Upaid is entitled as a consequence of Defendants' infringement of the '947 and the '555 patents and to which available under 35 U.S.C. § 284, together with prejudgment interest from the date infringement began;

D. Find that Defendants' infringement is willful and accordingly award Upaid enhanced damages in accordance with 35 U.S.C. § 284;

E. Declare this case exceptional pursuant to 35 U.S.C. § 285 and award to Upaid its reasonable attorney's fees, expenses and costs in this action;

F. Award to Upaid post-judgment interest on the foregoing amounts at the maximum rate recoverable by law; and,

G. Award to Upaid such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues presented in this Complaint.

Dated: February 19, 2019
Wilmington, Delaware

POLSINELLI PC

By: /s/ Shanti M. Katona

R. Montgomery Donaldson (Del. Bar No. 4367)

Shanti M. Katona (Del. Bar No. 5352)

Christina M. Belitz (Del. Bar No. 6135)

222 Delaware Avenue, Suite 1101

Wilmington, DE 19801

T: 302-252-0920

skatona@polsinelli.com

Of Counsel:

Gregory V. Novak
POLSINELLI PC
1000 Louisiana Street, 53rd Floor
Houston, TX 77002
T: 713-374-1640
gnovak@polsinelli.com

Attorneys for Plaintiff UPAID SYSTEMS, LTD.